

ORDINANCE NO. 1449

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI  
ENACTING A NOISE REGULATION ORDINANCE.

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code Title 9 - Public Peace, Morals And Welfare is hereby amended by adding Chapter 9.20 entitled "Noise Regulation", as follows:

Sections :

9.20.010. Definitions.

- A. "Ambient Noise" means the all-encompassing noise associated with a given environment, usually being a composite of sounds with many sources near and far as determined at any specific point.
- B. "Clearly Audible" means those sounds or noises which can be heard by any person of average or normal hearing capability.
- C. "Commercial Noise" means that noise or sound which is generated or created by the use, operation or maintenance of any commercial activity, including but not limited to the operation of machinery, construction equipment, manufacturing equipment, motor vehicles operated in conjunction with such use, and shall include but not be limited to compressors, fans, air conditioning units, and sound amplification systems utilized in conjunction with such functions .

- D. "Decibel" (db) means a unit of level which denotes the ratio between two quantities which are proportional to power; the number of decibels corresponding to the ratio of two amounts of power is ten times the logarithm to the base ten of this ratio; a unit of measure of sound (noise) level.
- E. "Emergency Work" means work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from eminent exposure to danger or damage, or work by public or private utilities when restoring utility service.
- F. "Motor Vehicle" includes any car, truck, motorcycle, motor scooter, and any and all self-propelled vehicles, as defined in the California Vehicle Code, including but not limited to mini-bikes and go-carts.
- G. "Noise Level" means the same as "sound level". The terms may be used interchangeably.
- H. "Sound Level" means the same as "noise level"; in decibels, that quantity measured with a sound level meter as defined herein, by use of the "A" frequency weighting and "fast" time averaging unless some other time averaging is specified.
- I. "Sound Level Meter" means an instrument of measurement of sound including a microphone, amplifier, an attenuator, networks for at

least the standardized "A" frequency weighting, and an indicating instrument having at least the standardized dynamic characteristic "fast", as specified in the American National Standards Institute specifications for sound level meters, S1.4-1971.

9.20.020. Public Nuisance Noise.

The following special noise restrictions are hereby established without regard to their sound level impact and may be enforced without the prerequisite of a sound level measurement.

A. General Noise Regulations:

Notwithstanding any other provision of this Chapter, and in addition thereto, it shall be unlawful for any persons to willfully make or continue or permit or cause to be made or continued, any loud, unnecessary or unusual noise which unreasonably disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal noise sensitivity.

B. The standards which shall be considered in determining whether a violation of the provision of this Section exists shall include, but not be limited to, the following:

1. The volume of the noise;
2. The intensity of the noise;

3. Whether the nature of the noise is usual or unusual for the area and hour;
4. Whether the origin of the noise is natural or unnatural;
5. The volume and intensity of the background noise, if any;
6. The proximity of the noise to residential sleeping facilities;
7. The nature and the zoning of the area within which the noise emanates;
8. The density of the inhabitation of the area within which the noise emanates;
9. The time of day or night the noise occurs;
10. The duration of the noise;
11. Whether the noise is produced by a commercial or noncommercial activity.

This section shall be inapplicable to emergency work as defined herein.

**9.20.030. Excessive, Offensive or Disturbing Noise.**

The following activities are declared to cause excessive, offensive or disturbing noise in violation of this section, but said enumeration shall not be deemed exclusive:

- A. It shall be unlawful for any person to sound any horn or other signalling device on any vehicle except as an emergency or danger

warning signal. This provision shall be inapplicable to the sounding of any horn, bell, whistle, siren or other audible warning device which is operated in compliance with section 7604 of the California Public Utilities Code, or with any other state or federal provision governing railroad operations.

- B. **It** shall be unlawful to play or operate any drum, radio, phonograph, loud speaker, sound amplifier, stereo, television, or other similar sound system, whether mobile or from a fixed location upon the public streets, public right of way or in public parks in such a fashion that **it** is clearly audible at a distance of fifty feet. The City Council hereby finds and declares that any sound or noise audible at such distance endangers the public safety and welfare by interference with normal human capability for hearing nearby traffic movement and warning signals. This section shall be inapplicable to radio systems operated under or pursuant to Federal Communications Commission licenses in the regular course of business.

**It** is hereby found and declared as a matter of legislative policy that the operation of the aforementioned equipment or instruments on the public streets and rights of way adjacent to public parks during the hours between 10:00 p.m. and 7:00 am. in such a manner as to be clearly audible at a distance of fifty (50) feet or greater shall constitute prima facie evidence of a violation of this section.

- C. It shall be unlawful for any person, firm or corporation to cause, permit, or generate any noise or sound as described herein between the hours of 10:00 p.m. and 7:00 a.m. which exceeds the ambient noise level at the property line of any residential property (or, if a condominium or apartment house within any adjoining apartment) as determined at the time of such reading by more than five (5) decibels. This section shall be applicable whether such noise or sound is of a commercial or noncommercial nature.

9.20.040. Animal Noises.

Notwithstanding any other provision of this Code, it shall be unlawful for any person to keep or maintain, or to permit the keeping or maintenance upon any premises owned, occupied or controlled by such person, any animal or animals which by any frequent or long-continued noise shall disturb or cause discomfort to any reasonable person of normal noise sensitivity. For purposes of this section, "frequent or long-continued noise" shall mean any noise which is essentially continuous for ten (10) minutes aggregate during any sixty (60) minute period.

This section shall not apply to any kennel, cattery or animal hospital operated legally within the City of Lodi.

9.20.050. Exemptions.

This part shall not apply to the following:

- A. Sirens or other similar emergency warning devices located upon any emergency vehicle as defined by the Vehicle Code, or upon the premises of any public safety agency.
- B. Any bell, siren or similar device on any vehicle, which is required by law, and which is automatically activated by placing the vehicle transmission in reverse, or by any backing movement.
- C. Any sound equipment operating under a City license or permit, or being utilized for an activity subject to First Amendment protection.
- D. Emergency repair work as defined herein.
- E. Events in public parks or other public places, sponsored by the City.
- F. Noise necessarily generated in conjunction with health or sanitation services, including but not limited to refuse collection.

9.20.060. Penalty.

A violation of any provision of this part shall be an infraction, punishable by a fine not exceeding two hundred and fifty dollars (\$250).

9.20.070. Enforcement.

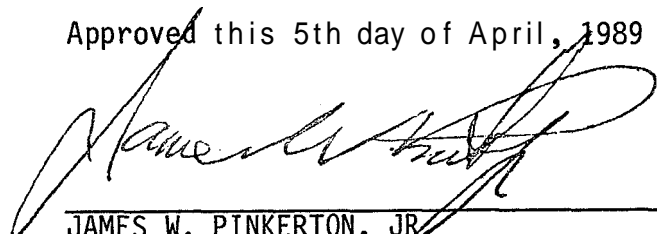
The provisions of this part may be enforced by any peace officer, or the Director of Community Development or his/her designee.

9.20.080. The provisions of this ordinance are severable. If any part hereof is deemed unenforceable or invalid by a court of competent jurisdiction, all other provisions hereof shall remain in full force and effect.

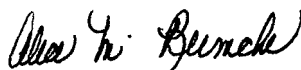
SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 5th day of April, 1989

  
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JAMES W. PINKERTON, JR.  
Mayor

Attest:

  
ALICE M. REIMCHE  
City Clerk



State of California  
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1449 was introduced at an adjourned regular meeting of the City Council of the City of Lodi held March 22, 1989 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held April 5, 1989 by the following vote:

Ayes :	Council Members - Hinchman, Olson, Reid, Snider and Pinkerton (Mayor)
Noes :	Council Members - None
Absent:	Council Members - None
Abstain :	Council Members - None

I further certify that Ordinance No. 1449 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

  
ALICE M. REIMCHE  
City Clerk

Approved as to Form

  
BOBBY W. McNATT  
City Attorney